

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSPPI
NORTHERN DIVISION**

J.W., a minor, by and through Amanda
Williams, Guardian and Next Friend,

Case No. 3:21-cv-00663-CWR-LGI

Plaintiff,

Hon. Carlton W. Reeves
Mag. LaKeysha Greer Isaac

v.

The City of Jackson, Mississippi; Chockwe A.
Lumumba, Jr.; Tony Yarber, Kishia Powell,
Robert Miller; Jerriot Smash; The Mississippi
State Department of Health; Jim Craig; Trilogy
Engineering Services, LLC; and John Does 1-
40,

Defendants.

MOTION TO CONSOLIDATE CASES NUMBERED 3:21-663, 3:21-667, AND 3:22-171

The above-named Plaintiff, through undersigned counsel, file this Motion to Consolidate and related Memorandum pursuant to Federal Rule of Civil Procedure 42(a). Docket numbers 3:21-663, 3:21-667; and 3:22-171 represent three causes of actions brought on behalf of hundreds of Plaintiffs. As all Plaintiffs' claims involve overlapping factual circumstances and legal issues, Plaintiffs seek full consolidation of these matters for the following reasons:

1. Plaintiffs filed three lawsuits with substantially similar Complaints against the same Defendants, which asserted nearly identical claims that arose out of the same common questions of law and fact.

2. Dockets for these cases demonstrate a repetitious pattern of responsive pleadings and motion practice from Defendants and Plaintiffs.

3. Absent consolidation, these actions will likely continue this trend at great cost to the parties involved and will likely require substantial time and resources from this Court.

4. Consolidation has been utilized by this Court as well as the Fifth Circuit in prior cases to avoid unnecessary costs and delays when cases involve common questions of law and fact.

5. Further, consolidation in similar litigation adjudicated by the Eastern District of Michigan created great success for all parties involved.

6. Additionally, Plaintiffs' counsel seek leave to file a Master Complaint and a Short Form Complaint which would streamline the addition of new Plaintiffs.

7. Plaintiffs counsel and Defense counsel all agree that these matter should be consolidated for the purposes of discovery.

8. Defendant Trilogy does not oppose full consolidation. Some Defense counsel oppose consolidation for the purposes of motion practice and trial until after outstanding motions have been full briefed and adjudicated.

9. However, as full consolidation of these matters will cause no prejudice to any parties, Plaintiffs ask that the Court grant this Motion despite any opposition.

10. In further support of this Motion, Plaintiffs submit the following exhibits:

- Exhibit 1 – Order Granting Consolidation of the Flint Water Cases from the Eastern District of Michigan (July 27, 2017);
- Exhibit 2 – Master Long Form Complaint and Jury Demand for Individual Plaintiffs in the Flint Water Cases (Dec. 15, 2017);
- Exhibit 3 – Short Form Complaint and Jury Demand for Individual Plaintiffs in the Flint Water Cases (Feb. 1, 2018);
- Exhibit 4 – Emails between Plaintiffs' counsel and Defense counsel regarding consolidation positions (June 2, 2022).

WHEREFORE, Plaintiff respectfully requests this Court grant full consolidation of these matters.

Dated: June 3, 2022.

Respectfully submitted,
LEVY KONIGSBERG LLP

/s/ Kimberly L. Russell

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2022, the foregoing document was filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record.

/s/ Kimberly L. Russell
Kimberly L. Russell